

RESOLUTION NO. 09-6751

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COVINA ADOPTING CITY TICKET POLICY TO CONFORM TO CALIFORNIA CODE OF REGULATIONS, SECTION 18944.1, AS AMENDED BY THE FAIR POLITICAL PRACTICES COMMISSION.

WHEREAS, in February of 2009 the California Fair Political Practices Commission ("FPPC") amended its regulations regarding tickets as potential gifts prohibited by the California Political Reform Act; and

WHEREAS, as a result of the changes recently adopted by the FPPC, the City's policy on ticket distribution must be revised; and

WHEREAS, the revised policy complies with the requirements of the FPPC Regulations.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Covina, that the attached CITY OF COVINA TICKET POLICY is hereby adopted and effective immediately.

PASSED, APPROVED AND ADOPTED this 7th day of April 2009.



ATTEST:



APPROVED AS TO FORM:



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05-04-09

I, TONI J. TABER, City Clerk of the City of Covina, hereby CERTIFY that **Resolution No. 09-6751** was adopted by the Covina City Council at a regular meeting of the City Council held **April 7, 2009** and was approved and passed by the following vote:

AYES: Council Members King, Low, Stapleton, Mayor Pro Tem Delach, Mayor Allen

NOES: None

ABSENT: None



City Clerk

CITY OF COVINA TICKET POLICY

I. APPLICATION OF POLICY

A. This policy applies to tickets which provide admission to a facility or event for an entertainment, amusement, recreational or similar purpose, and are either:

1. gratuitously provided to the City by an outside source; or
2. acquired by the City by purchase; or
3. acquired by the City as consideration pursuant to the terms of a contract for the use of a City venue
4. acquired and distributed by the City in any other manner.

B. This policy does not apply to:

1. a single ticket provided to and used by a City Official to an event at which the official performs a ceremonial role or function on behalf of the City.
2. any other item of value provided to the City or any City Official, regardless of whether received gratuitously or for which consideration is provided
3. tickets provided by sources other than the City , or
4. tickets for which the City Official pays the City the value of the ticket.

C. This policy, and any procedures established to implement this policy, shall supersede and replace any other City policies and procedures relating to tickets provided to the City of City Officials.

II. DEFINITIONS

Unless otherwise expressly provided herein, words and terms used in this policy shall have the same meaning as that ascribed to such words and terms in the California Political Reform Act of 1974 (Government Code Sections 81000, et seq., as the same may from time to time be amended) and the Fair Political Practices Commission ("FPPC") Regulations (Title 2, Division 6 of the California Code of Regulations, Sections 18100 et seq., as the same may from time to time be amended).

- A. "City" or "City of Covina" shall mean and include the City of Covina or any other affiliated agency created or activated by the Covina City Council and any departments, boards and commissions thereof.
- B. "City Official" means every member, officer, employee or consultant of the City of Covina required to file an annual Statement of Economic Interests (FPPC Form 700), and includes, without limitation, City board or commission members or other appointed officials or employees.
- C. "Immediate Family" shall mean the City Official, his or her spouse, and/or dependent children.

- D. "City Venue" means any facility owned, controlled or operated by the City of Covina.
- E. "Ticket" means and includes any form of admission privilege to a facility, event, show or performance, and excludes working credentials.
- F. "Ticket Administrator" shall be the person with the authority, in his or her sole discretion, to establish procedures for the distribution of tickets in accordance with this policy, and to implement the policy.

1. The City Manager shall be the Ticket Administrator

III. GENERAL PROVISIONS

- A. No Right to Tickets: The use of complimentary tickets is a privilege extended by the City and not the right of any person to which the privilege may from time to time be extended.
- B. Limitation on Transfer of Tickets: Unless otherwise provided herein, tickets distributed to a City Official pursuant to this policy shall not be transferred to any other person, except to members of such City Official's immediate family solely for their personal use.
- C. Prohibition Against Sale of Tickets: No person who receives a ticket pursuant to this policy shall sell or receive payment for such ticket.

IV. TICKETS DISTRIBUTED AT THE DIRECTION OF THE TICKET ADMINISTRATOR

This section shall apply to those tickets that are given to the City.

- A. All requests for tickets which fall within the scope of this policy shall be made in accordance with the procedures established by the Ticket Administrator
- B. The Ticket Administrator shall determine the value of tickets distributed by the City as necessary to implement this policy.
- C. The Ticket Administrator, in his or her sole discretion, may revoke or suspend the ticket privileges of any person who violates any provision of this policy or the procedures established by the Ticket Administrator for the distribution of tickets in accordance with this policy.

V. CONDITIONS UNDER WHICH TICKETS MAY BE DISTRIBUTED.

Subject to the provisions of this policy, complimentary tickets may be distributed, as available, to City Officials under the following conditions:

- A. The City Official treats the tickets as income consistent with applicable federal and state income tax laws; or
- B. The City Official uses, or provides, such tickets for one or more of the following public purposes:
 1. If performing of a ceremonial role or function representing the City at the event, for which the City Official may receive enough tickets for each member of his or her immediate family.

2. The job duties of the City Official require his or her attendance at the event, for which the City Official may receive enough tickets for the City Official and each member of his or her immediate family.
3. Economic or business development purposes on behalf of the City.
4. Intergovernmental relations purposes, including but not limited to attendance at an event with or by elected or appointed public officials from other jurisdictions, their staff members and their guests.
5. Attracting or rewarding volunteer public service.
6. Supporting and/or showing appreciation for programs or services rendered by non-profit organizations benefiting Covina residents.
7. Encouraging or rewarding significant academic, athletic, or public service achievements by Covina students, residents or businesses.
8. Attracting and retaining highly qualified employees in City service.
9. As a special recognition or reward for meritorious service by a City employee.
10. For use in connection with a City employee competition or drawing.
11. Recognition of contributions made to the City by former City Council Members or City Managers.

- C. Prior to receipt of any tickets, City Officials shall acknowledge receipt of the tickets and knowledge of this policy and its effects through signature on a form substantially similar to the attached Exhibit A.

VI. TICKETS DISTRIBUTED AT THE DIRECTION OF A CITY OFFICIAL

This section shall apply to those tickets that are given directly to a City Official on behalf of the City.

- A. Only the following City Officials shall have authority to distribute tickets: City Council Members, The City Manager, the Assistant City Manager, and Department Heads.
- B. Tickets shall be distributed at the direction of a City Official only for one or more purposes set forth in Section V.B above.

VII. DISCLOSURE REQUIREMENTS

A. Tickets distributed by the City to any City Official either: i) which the City Official treats as income pursuant to Section V.A above, or ii) for one of more public purposes described in Section V. B above, shall be posted on a form provided by the FPPC in a prominent fashion on the City's website ("Gift to Agency Report" page as maintained by the City Clerk) within thirty (30) days after distribution. Such posting shall include the following information:

1. the name of the recipient, except if the recipient is an organization, the City may post the name, address, description of the organization and

number of tickets provided to the organization in lieu of posting the names of each recipient; and

2. a description of the event; and
3. the date of the event; and
4. the face value of the ticket; and
5. the number of tickets provided to each person; and
6. if the ticket was distributed at the direction of a City Official, the name of the City Official who provided such direction; and
7. a description of the public purpose(s) under which the distribution was made, or, alternatively, that the City Official is treating the ticket as income.

VIII. INCOME TAX CONSIDERATIONS

Tickets which are provided free of charge or at a price below the fair market value may have tax consequences for the recipient and may be reportable and taxable as regular income or as a taxable fringe benefits to a recipient. Recipients of tickets must consult with their own tax advisers to determine the reporting requirements for income tax purposes, as well as the tax consequences of any tickets received.

Exhibit A
CITY OF COVINA
ACKNOWLEDGEMENT AND RECEIPT OF COMPLIMENTARY TICKETS

The undersigned has received the complimentary tickets described below:

Ticket Date Event

Number of tickets: _____ Value per ticket _____

The undersigned hereby acknowledges the following:

1. I have received a copy of the City of Covina Ticket Policy, dated April 7, 2009 ("Ticket Policy")
2. I am being provided these complimentary tickets for a public purpose as described in the Ticket Policy
3. I will use these complimentary tickets for a public purpose as described in the Ticket Policy and not for personal profit or gain.
4. I understand and agree that my name, along with the description and value of these complimentary tickets will be posted on the City of Covina website and that this Acknowledgement and Receipt is a public document.
5. I understand that these tickets may be reportable by me as income and may be taxable, and will rely on the advice of my own tax adviser in meeting any reporting and tax obligations.

Signature

Printed Name

Date